IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 24TH MAY 2007 / 3RD JYAISHTA 1929

WP(C).No. 19297 of 2004(V)

EP.23/2003 of SUB COURT, MANJERI

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PETITIONER:

K.T.JANAKI, D/O. KARIMBARA THOTTATHIL
KUNJUNNI, PUZHAKKATTIRI AMSOM, RAMAPURAM DESOM,
RAMAPURAM P.O., PERINTHALMANNA.

BY ADV. SRI.SAJU.S.A

RESPONDENT:

SECRETARY, PERINTALMANNA TALUK RURAL
HOUSING CO-OPERATIVE SOCIETY LIMITED,
PERINTALMANNA.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 24/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) No. 19297 of 2004 APPENDIX

PETITIONER'S EXHIBITS

Ext.P1: True copy of the sale proclamation dated 30-6-2004

Ext.P2: True copy of the E.A. No. 249/04

Ext.P3: True copy of the sale 250/2004

//True copy//

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PIUS.C.KURIAKOSE. J.

W.P.(C) No. 19297 of 2004

Dated this the 24rd day of May 2007

JUDGMENT

This writ petition has been filed by the debtor of the respondent society seeking stay of further proceedings in a proceeding for execution of the award which the respondent had obtained against the petitioner. The further prayers in the writ petition are a writ of certiorari quashing Ext.P1 the sale proclamation.

2. While admitting this writ petition this Court granted stay of confirmation of the sale If the sale had already taken place, on condition that the petitioner either pays to the respondent directly or deposits in the Court below for payment to the respondent a sum of Rs. 20,000/- . Mr. S.A Saju counsel for the petitioner submits that the above condition was duly complied with. According to him after giving credit to the above payment and the other payments made by the petitioner, the balance presently due from the petitioner will be around Rs. 1,32,000/-

3. Though notice of the writ petition was served on the respondent they have not entered appearance. Mr. S.A. Saju submits that the petitioner will be ready and willing to pay off the decree debt and only needs 12 months time to do that. Considering the above submissions which is not resisted by the respondent, the writ petition itself will stand disposed of, issuing the following directions

4. The order of stay presently passed by this Court will continue if the petitioner remits every month commencing from the 5th of June 2007 at the rate of Rs. 12,000/- If the petitioner make defaults the stay will stand vacated. Once the court below finds, that the petitioner has paid the total amount of Rs. 120,000/- after 5-6-2007 without fail that court will entertain an application to be submitted by the petitioner for recording full satisfaction and the court will take a decision on that application after hearing the petitioner and the respondent in accordance with law.

PIUS.C.KURIAKOSE,JUDGE

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